

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELIAS ZEITOUNI

Plaintiff,

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§
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v.

Civil Action No: 4:16-cv-2217

JEWELERS MUTUAL INSURANCE
COMPANY

Defendant

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NOTICE OF REMOVAL
BY DEFENDANT JEWELERS MUTUAL INSURANCE COMPANY

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, Jewelers Mutual Insurance Company (“Jewelers Mutual”) files this Notice of Removal pursuant to 28 U.S.C. § 1441, *et seq.*, as follows:

Commencement and Service

1. This is a personal property insurance coverage dispute. On July 1, 2016, Plaintiff filed an action styled Cause No. 2016-44506; *Elias Zeitouni v. Jewelers Mutual Insurance Company*, in the 133rd Judicial District Court of Harris County, Texas.

2. On July 5, 2016, Eggleston & Briscoe, LLP accepted service on behalf of Defendant Jewelers Mutual Insurance Company. This Notice of Removal is filed within 30 days of the receipt of such service and is, therefore, timely under 28 U.S.C. § 1446(b).

Grounds for Removal

3. This action is removable because there is complete diversity of citizenship between the plaintiff and the parties properly joined as defendant, and because damages alleged

are in excess of \$75,000.00. Accordingly, this matter is within the original jurisdiction conferred on this Court pursuant to 28 U.S.C. § 1332.

Diversity of Citizenship

4. The Petition names one defendant. The only named defendant is Jewelers Mutual Insurance Company. Jewelers Mutual is an insurance company formed under the laws of the State of Wisconsin, with its principal place of business at 24 Jewelers Park Drive, Neenah, Wisconsin 54957. Therefore, pursuant to 28 U.S.C. § 1332(c)(1), Jewelers Mutual is a citizen of Wisconsin.

5. Plaintiff is Elias Zeitouni, and according to the Petition is an individual residing in Houston, Harris County, Texas.

Amount in Controversy

6. In its Petition, Plaintiff asserts it seeks relief over \$100,000 but less than \$200,000. *See* Petition ¶ 35. The Petition seeks the recovery of these alleged damages from Jewelers Mutual, as well as exemplary damages, interest, and attorneys' fees. *See* Petition ¶¶ 28 through 35. Based on Plaintiff's description of its claim, the amount at issue, exclusive of costs and interest, exceeds the minimum for removal.

7. Venue is proper in this district and division under 28 U.S.C. §1441(a) because the state court suit in which this case is currently pending is located in this district and division.

8. Defendant has given or is in the process of giving notice of the filing of this Notice of Removal to the State Court and to Plaintiff.

9. Pursuant to 28 U.S.C. §1446(a), the following documents are being filed simultaneously and as exhibits to this notice of removal:

- (1) Index of Documents Filed;

- (2) List of all Parties;
- (3) Copy of State Court Docket Sheet;
- (4) All documents filed in State Court;
- (5) Certificate of Interested Persons;
- (6) Civil Cover Sheet.

WHEREFORE, Jewelers Mutual Insurance Company respectfully requests that this Court remove this action from the 133rd Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

EGGLESTON & BRISCOE, LLP
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(713) 659-5100
(713) 951-9920 facsimile

By: /s/ W. Montgomery Briscoe

W. Montgomery Briscoe
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served in accordance with the TEXAS RULES OF CIVIL PROCEDURE on this the 26th day of July 2016, to:

Deborah L. Crain
DEBORAH CRAIN LAW, P.C.
10707 Corporate Drive, Suite 100
Stafford, Texas 77477
Facsimile: (281) 565-6222

/s/ W. Montgomery Briscoe
W. Montgomery Briscoe